

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of)
CHEVRON, U.S.A., INC.)
For the Review of Cease and Desist)
Order No. 84-121 of the California)
Regional Water Quality Control Board,)
Los Angeles Region. NPDES Permit)
No. CA0000337. Our File No. A-369.)

ORDER NO. WQ 85-8

BY THE BOARD:

On November 19, 1984, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted Regional Board Order No. 84-106 (NPDES Permit No. CA0000337) prescribing waste discharge requirements for the Chevron U.S.A., Incorporated (Chevron), El Segundo Refinery in El Segundo, California. At the same time, the Regional Board adopted Cease and Desist Order No. 84-121. On December 17, 1984, Chevron (petitioner) appealed the adoption of the Cease and Desist Order to the State Board, requesting that the State Board hold the matter in abeyance for a month. On January 23, 1985, petitioner requested that the State Board proceed on the matter. The petition was deemed complete on February 7, 1985.

I. BACKGROUND

The Chevron El Segundo Refinery is located on the coast in El Segundo, Los Angeles County. The El Segundo facility manufactures gasoline, jet fuel, kerosene, solvent, coke, fuel oil, liquified petroleum gases, toluene, propylene, polymer, benzene and other products. The facility has a production capacity of 405,000 barrels per day, and the monthly average production rate is 355,000 barrels per day.

The facility discharges up to 19.8 million gallons per day (mgd) of combined process wastewater and rainfall runoff to the Pacific Ocean through an outfall line extending 500 feet offshore to a depth of 20 feet. The average dry weather flow of 4.39 mgd is comprised of non-contact cooling water bleedoff, water treatment system blowdown, and shallow recovery well ground water as well as petroleum processing wastewater. The petroleum processing wastewater and shallow recovery well ground water are treated in the facility's effluent treatment plant before discharge. The treatment processes include dissolved air flotation and activated sludge. During wet weather, rainfall runoff is routed to an oil/water separator before discharge.

The Environmental Protection Agency (EPA) promulgated best available technology (BAT) effluent limitations applicable to the discharges on October 18, 1982. The regulations were challenged in federal district court by the Natural Resources Defense Council (NRDC) and the American Petroleum Institute (API) and individual oil companies. As part of the settlement agreement, EPA published revised BAT effluent limitations for phenolic compounds, chromium, hexavalent chromium, and storm water runoff on August 28, 1984. These limitations require compliance immediately.

The Regional Board adopted an updated National Pollutant Discharge Elimination System (NPDES) permit (Board Order No. 84-106) for the El Segundo facility at its November 9, 1984 Board meeting. The NPDES permit requirements include the appropriate BAT effluent limitations for the petroleum refining industry. The Regional Board order contains separate dry and wet weather effluent limitations for biochemical oxygen demand (BOD), suspended solids, chemical oxygen demand (COD), oil and grease, phenolic compounds, total

chromium, and hexavalent chromium. The dry weather limits of Board Order 84-106 are essentially the same as the previous waste discharge requirements which applied to the El Segundo facility under Board Order No. 80-21.

Chevron historically has had difficulties complying with effluent limitations set by the Regional Board. Previously, on May 19, 1980, the Regional Board issued Chevron a time schedule (Order No. 80-22) requiring full compliance with dry weather effluent limitations of Order No. 80-21 by December 1, 1981. Numerous violations of the previous order and its requirements were documented. Chevron did undertake a source control program, attempting to eliminate chemical spills within the refinery complex.

Based upon these past violations, the Regional Board also adopted Cease and Desist Order No. 84-121 at its November meeting. The Cease and Desist Order essentially establishes three different dates for full compliance with requirements: dry weather requirements must be fully complied with by December 1, 1984; BOD₅ requirements must be fully complied with by September 1, 1985; and wet weather requirements must be fully complied with by February 1, 1987. Chevron appeals only from the dry weather compliance date. It does not challenge the limitations themselves, nor the BOD₅ or wet weather compliance dates.

II. CONTENTIONS AND FINDINGS

1. Contention: Chevron contends that the Regional Board should have adopted a time schedule in the Cease and Desist Order which would have set February 1, 1987 as the date for full compliance with dry weather effluent limitations as well as the wet weather limitations. It contends that it cannot meet the December 1, 1984 compliance date set in the Order. Chevron argues that in order to meet the dry weather limitations, it will need to construct a

rainfall runoff holding tank. Such a tank is currently planned for construction as part of the facilities necessary to meet the wet weather compliance date of February 1, 1987. It was, and apparently still is, Chevron's position that spills and malfunctions within the plant that will cause a violation of dry weather effluent limitations are absolutely unavoidable until the wet weather facilities are complete. The wet weather facilities will allow dry weather wastewater to be diverted into a holding tank where it can be properly analyzed and treated prior to discharge to the ocean. Chevron argued that, historically, approximately 18 violations of dry weather requirements can be expected until completion of the wet weather facilities. In substance, Chevron asked that the Regional Board Cease and Desist Order permit 12 violations per year until a final dry weather compliance date of February 1, 1987.

Finding: The issue, as we see it, is essentially whether there was sufficient evidence before the Regional Board to support a conclusion that Chevron could consistently meet dry weather requirements forthwith.

After full review, we agree both with the ultimate conclusion of the Regional Board that dry weather compliance can be achieved immediately and with the Regional Board's refusal to concede 18 violations per year as unavoidable. The Regional Board properly rejected Chevron's proposal that a certain number of violations be allowed each year until the date of required compliance with the wet weather limitations. The evidence before us and the Regional Board indicates that Chevron should be able to comply forthwith with the dry weather requirements.

Self-monitoring data for the El Segundo facility shows that different constituents have different violation histories. For example, when the Regional Board adopted the subject Cease and Desist Order in November 1984,

there had been no violations of either the oil and grease limits nor the ammonia limits since June 1983, no violation of the phenol limits since February 1984 and no violation of pH since April 1984. There have been sporadic problems with the suspended solids violations, because of the type of biological treatment process used at the El Segundo facility. In the two years prior to the Regional Board actions, there have been 26 violations of suspended solids requirements. However, these violations were basically attributable to two facility upsets which occurred in February 1983 and August 1984, and which were caused by operator error and improper maintenance. We believe both these upsets involved correctible problems which should not re-occur due to Chevron's source control and correction program. As the Regional Board notes in its response to the petition, Chevron itself attributed the suspended solids violations in late 1984 to operator error and improper maintenance. Chevron itself assured the Regional Board staff that corrections had been made to assure no repetition of such incidents.

Our review of the record shows that the number of violations each year appears to be approximately the same, but for constantly changing reasons. There does not appear to be a continuing problem with any particular constituent that makes violations unavoidable or precludes consistent compliance if proper operation, maintenance and in-plant controls are exercised.

In part, Chevron essentially contends that effluent violations must be allowed until there is an absolute, 100 percent iron-clad guarantee that violations will never occur. We might point out that there will be no such guarantee even when the wet weather facilities are complete. Even with the wet weather facilities, there is no automatic device to switch wastewater to the storage tank after a spill, (although automatic triggers are available for pH

and perhaps ammonia). Thus, system effectiveness is dependent upon a facility-wide commitment to wastewater monitoring and spill control.

In any event, while there is certainly a dispute on the subject, we find that there is sufficient evidence to support a conclusion that Chevron can consistently meet its dry weather requirements forthwith.

2. Contention: The Regional Board mistakenly thought it was required to adopt a Cease and Desist Order with a time schedule mandating immediate compliance with the dry weather requirements. Chevron cites a few portions of the Regional Board transcript in support of its contentions.

Finding: Implicit in this contention is an assertion that if the Regional Board had not been wrongly advised on this point, it would have allowed a deferred compliance date and or interim violations until February 1, 1987. The transcript in this proceeding shows that what Chevron asked for, and what the cited discussions were really about was whether Chevron should be allowed to violate the dry weather requirements 12 times a year pending construction of its wet weather facilities.

Our review of the record and the Regional Board response in this petition makes it clear that the Regional Board was fully cognizant that it could adopt an order with a deferred compliance date for dry weather limitations just as it did for wet weather limitations, but chose not to do so.

While Chevron cites a few portions of the transcript to support its contention, the portions cited are incomplete and out of context. We believe that the proceedings, taken as a whole, demonstrate that the Regional Board members, while they understood that deferred compliance could be allowed, intended the dry weather compliance to be effective forthwith. Regional Board staff testified several times that there was strong evidence that Chevron could

meet dry weather requirements immediately. As already indicated, Chevron testified to the contrary and suggested that they should be allowed 12 violations per year until the wet weather facilities were complete.

An overall and complete reading of the record convinces us that the Regional Board was not misled as to its authority. It was not really a situation where the Regional Board felt that it could not defer dry weather compliance, it was a situation where the Regional Board felt that it should not defer compliance because the evidence indicated that consistent compliance could be achieved immediately.

As a further indication of the Regional Board's position that Chevron should immediately comply with the dry weather limitations, we take administrative notice of the recent June 24, 1985 action wherein the Regional Board accepted a \$38,000 administrative civil liability payment from Chevron for violations of various dry weather effluent limitations (suspended solids violations on February 25, 1985 and March 12, 1985; phenols violations on March 26, 1985; and pH violations on February 28, 1985.) The assessment of the liability amount further demonstrates the Regional Board's intention that the suspended solids, phenols and pH requirements can and should be met.

III. CONCLUSION

We agree with the Regional Board that a firm commitment by Chevron to water quality protection can achieve present compliance with dry weather limits. Enforcement action which began in 1980 has resulted in a reduction of effluent limit violations, and monitoring data indicates that full compliance can be achieved at this time.

IV. SUMMARY

1. The Regional Board acted appropriately in adopting a time schedule in the Cease and Desist Order which required compliance forthwith with dry weather effluent limitations.

2. The Regional Board was aware it could have adopted a time schedule which did not require immediately compliance forthwith for dry weather limitations. Immediate compliance was required not because of error but because the Regional Board properly concluded that the dry weather requirements could be consistently met immediately.

V. ORDER

The petition is hereby denied.

VI. CERTIFICATION

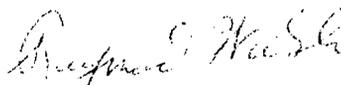
The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 19, 1985.

Aye: Raymond V. Stone, Chairman
Darlene E. Ruiz, Vice Chairwoman
E. H. Finster, Member
Eliseo M. Samaniego, Member

No: None

Absent: None

Abstain: None



Raymond Walsh
Interim Executive Director